

**BLET REVISION COMMITTEE
MEETING MINUTES
October 11, 2013
Morehead City Police Department
Morehead City, NC**

Gary Dudley, representing Jennifer Fisher, thanked Chief Wrenn Johnson for hosting the October 11, 2013 BLET Revision Committee meeting. Mr. Dudley called the meeting to order at 10:00 a.m. Members and guests introduced themselves. Janet Dunn called the roll.

Members Present:

Craig Worley
Kevin Driver (Representing Jason Godwin)
Louis Ingram
Wrenn Johnson
Wayne Lamm
Captain Cherie Maness (Representing Mark Lane)
Jeffrey Robinson
Sammy Turner
Steve Warren

Members Absent:

Nancy Bennett
Mack Creson

Ex-Officio Members Absent:

Julia Lohman, Sheriffs' Standards Division
Autumn Hanna, Sheriffs' Standards Division
Windy Hunter, CJ Standards Division
Trevor Allen, CJ Standards Division
Jennifer Fisher, NC Justice Academy
David Shick, Legal Counsel

Staff Present:

Gary Dudley, NC Justice Academy (Represented Jennifer Fisher)
Janet Dunn, NC Justice Academy

Visitors Present:

Randy Shepherd, Guilford County Sheriff's Office
Tracy McPherson, NC Community College System
Aaron Vassey, Cleveland Community College

Prior Meeting Minutes:

Mr. Dudley asked for approval or correction of the April 12, 2013 meeting minutes. Committee members reviewed and corrections needed were identified:

- Page 1, Old Business – Cooper Assessment
Originally written as “Mrs. Fisher discussed the purpose of the Cooper Assessment contained within the POPAT.” POPAT should be amended to read *Physical Fitness program*.
- Page 3, Civil Process – second bullet item: Originally read, “What does the Court of Superior Court do?” Should be amended to read, “What does the *Clerk* of Superior Court do?”
- Page 4, Interviews: Field and In-Custody – second asterisk: Originally read, “(to be completion this revision cycle).” Should be amended to read, “(to be complet*ed* this revision cycle).”
- Page 7, Future Meeting Dates/Locations: October 11, 2013 location “Western Piedmont Comm. College, Morganton, NC.” Should be amended to “*Morehead City Police Department, Morehead City, NC.*”

Sammy Turner made a **motion** to approve the minutes with the noted corrections. Wayne Lamm **seconded**. **Motion carried.**

OLD BUSINESS

Pending Administrative Code Changes

Trevor Allen advised that the Committee can move forward with the revisions for the January 2014 implementation:

- Changing the title to Responding to Victims and the Public (formerly Dealing with Victims and the Public)
- Changing the title to Individuals with Mental Illness or Developmental Disabilities (formerly Individual with Mental Illness or Mental Retardation)
- Changing the hours for Juvenile Law and Procedures to 8 hours
- Changing the hours for Patrol Techniques to 28 hours

Video Project Update

Committee members were mailed three (3) video DVDs to be approved as part of the revision process. The goal is to have all videos updated and move toward eliminating vendor purchases. Agencies may elect to use vendor videos, but the Academy is moving toward shooting their own videos or using videos that they have copyright authority to include into the videos.

Curriculum Revisions

Communication Skills: Reviewed by Tim Fuss; no changes were made. No discussion. Steve Warren made a **motion** to accept the material as is. Louis Ingram **seconded**. **Motion carried.**

Interviews: Field and In-Custody: There were two training objective changes; #5 (term tape was changed to video) and #6 (addition: Children interview). Recommendation to delete a 1992 book, *Memory Enhancing techniques for Investigative Interviewing, The Cognitive Interview* by Ronald P. Fisher and R. Edward Geiselman. This deletion will not affect Practical Exercise 2. Jeff Robinson made a **motion** to accept the proposed revisions. Steve Warren **seconded**. **Motion carried.**

SC/AT: Revised by John Combs. Presented a memorandum from Mr. Combs relative to the revisions. Video upgrade, verbiage change from lethal and less lethal to deadly and non-deadly, and to move away from the use of force continuum to a deadly force, non-deadly force with a “likely line.” Control levels

were removed. Sammy Turner made a **motion** to accept the proposed lesson plan revisions and the updated video. Louis Ingram **seconded**. **Motion carried**.

Juvenile Law and Procedures: There was an administrative code change, changing the length from 10 hours to 8 hours. Steve Warren made a **motion** to accept the proposed change. Wayne Lamm **seconded**. **Motion carried**.

Fingerprinting and Photographing Arrestees: Material was reviewed by Christopher Reed of the SBI and recommends no changes. Jeff Robinson made a **motion** to accept the material as is. Sammy Turner **seconded**. **Motion carried**.

Responding to Victims and the Public: Title change (formerly Dealing with Victims and the Public) as well as an additional handout. This was revised by David Shick and Jennifer Fisher with minor changes made throughout the lesson plan.

- * Wayne Lamm noted that he had been informed by his instructor that the information for Compensation that may be paid to victims of rape and sex offenses (page 43, #3.) is incorrect as noted by House Bill 1342, which does not list the amounts as indicated in the lesson plan.
- * Also noted was the idea of keeping the lesson plans consistent in the use of he/she (gender neutral terminology)

Jeff Robinson made the **motion** to accept the proposed changes, pending the new information regarding House Bill 1342 presented by Wayne Lamm, which may require electronic vote if changes made. Steve Warren **seconded**. **Motion carried**.

Criminal Investigation: Revisions made by Catherine Johnson, North Carolina Justice Academy. There were no major changes made, but changes were made throughout the lesson plan.

- * Wayne Lamm suggested that on page 26 c) states, "There should be ~~no~~ narration of the scene. When possible put the camera on 'mute' to avoid recording any conversations being held." Chief Johnson noted that d) states, "All persons present at the scene should be warned that the scene is being filmed. Processing personnel should leave the area during taping and refrain from conversation in the area of the taping if the camera cannot be placed on 'mute.'" These two statements create confusion and needs clarification. A possible solution would be to merge c) and d). Members felt that to combine these two would create a more fluid explanation and help eliminate confusion.
- * Page 57 contains a typographical error: d) (1) "...should be seen as normal when interviewing an individual that has witnesses or experienced a traumatic event." "Witnesses" should be corrected to "witnessed."

Wayne Lamm made a **motion** that the proposed changes be accepted with the merging of c) and d) to clarify the language and the grammatical correction on page 57. Louis Ingram **seconded**. **Motion carried**.

Motor Vehicle Law: Proposed changes include six (6) new videos, law change, and an updated handout (Commercial Driver's License Guide). No discussion. Steve Warren made a **motion** to accept the proposed changes. Wayne Lamm **seconded**. **Motion carried**.

Controlled Substances: Proposed changes include law changes; updates by Jennifer Fisher regarding drug overdose, drug-related overdose, and possession of needles or other sharp objects. No discussion. Louis Ingram made a **motion** to accept the proposed revisions. Wrenn Johnson **seconded**. **Motion carried**.

Techniques of Traffic Law Enforcement: Lesson plan was revised by Isaac Avery. The proposed changes require an SFST (Standardized Field Sobriety Testing) instructor. Instructor notes page 8, #1.

states that “... certified by the North Carolina Criminal Justice Education and Training Standards Commission as a General Instructor, as well as a Standardized Field Sobriety Testing instructor.”

- * Members discussed that an agency could still use their instructor, but when the topic of Standardized Field Sobriety Testing, the agency would need to have the instructor for that particular area. The verbiage on the Instructor Notes page for #1, “must,” and that for #3, “recommended,” creates confusion. Mr. Robinson commented that he felt having an SFST instructor for the entire lesson plan is not necessary, but should be required for the DWI portion.
- * Discussion of the HGN material starting on the bottom of page 70 to mid-page 74 of the lesson plan: Member discussion ensued regarding the inclusion of this material – Is it too advanced? Some members expressed ideas of providing the information to inform the student that there is another “tool” that can be used. Mr. Robinson added that the “disclaimer” that is included in the lesson plan, “...However, to be able to testify to the test in court, the officer must be qualified as an expert witness based upon specific training in HGN [G.S. 8C-1, Rule 702(a1)]. Before testifying in court, an officer must obtain more training and/or experience on HGN than is provided in this course,” tells the students that the amount of information provided in this lesson plan is not sufficient enough to testify in court, that the student is just getting an introduction into the course.
- * Chief Johnson expressed concerns of providing the student with the HGN information. Is the student shown how to perform this task? Is the student going to try to do it once they are on the street because they “think” they have been instructed on how to do it? Chief Johnson’s concerns are that the student will think that they know how to do it, but have not seen the jerking. Of major concern is, what happens if a student is instructed on this procedure, and they know they are not certified, but they get a drunk they are not sure about and use it in the field without ever being certified, and it comes out in court that they used it and they weren’t certified, and they actually made a decision based on that test because of what they think they know.
 - Wayne Lamm commented that this would basically be a new task. He feels that it would be good to introduce this to the student and the basis for Mr. Lamm recommending that it be left and accepted as is. This will provide the student with the concept of what to do; demonstrating it, even let the student try to do it even though the student won’t be able to see the twitch, but it will provide the student with the motions to do it. The statement in the section that indicates that the training does not qualify them, just letting the student know the possibilities that are available.

Wayne Lamm made the **motion** to accept the proposed revisions with the exception of the requirement of a SFST instructor for the entire program, and leave the recommendation of a SFST instructor for the DWI portion as listed in #3 of the Instructor Notes. Basically, strike the “as well as Standardized Field Sobriety Testing instructor” under #1 of the Instructor Notes. Sammy Turner **seconded**. Chief Wrenn Johnson **opposed**. **Motion carried**.

Explosives and Hazardous Materials Emergencies: Revisions include removal of the “Dick and Harry” video. Steve Warren made a **motion** to accept the proposed revisions. Louis Ingram **seconded**. **Motion carried**.

Individuals with Mental Illness or Developmental Disabilities: Proposed revisions include a name change (formerly Individual with Mental Illness or Mental Retardation). Wayne Lamm made a **motion** to accept the proposed revisions. Sammy Turner **seconded**. **Motion carried**.

Patrol Techniques: Proposed revisions include changing the length from 26 hours to 28 hours. Steve Warren made a **motion** to accept the proposed revisions. Chief Wrenn Johnson **seconded**. **Motion carried**.

Sheriff's Responsibilities: Court Duties: Revisions include a change in terminology of prisoner to inmate. There were other minor revisions made throughout the lesson plan. Steve Warren made the **motion** to accept the proposed revisions. Louis Ingram **seconded**. **Motion carried.**

Civil Process: Proposed revisions include a law change concerning landlord/tenant issues; evictions changed from 10 days to 7 days. Wayne Lamm made the **motion** to accept the proposed revisions. Sammy Turner **seconded**. **Motion carried.**

Anti-Terrorism: Proposed revisions included Hezbollah; revised by Wayne Ayers, North Carolina Justice Academy. Sammy Turner made a **motion** to accept the proposed revisions. Jeff Robinson **seconded**. **Motion carried.**

Human Trafficking: Revisions include a law change, minor additions and deletions, and an additional handout. Louis Ingram made a **motion** to accept the proposed revisions. Wayne Lamm **seconded**. **Motion carried.**

Sheriff's Responsibilities: Detention Duties: (provided as an additional handout) Revisions include additional PowerPoint slides to make the lesson plan flow better. Wayne Lamm made a **motion** to accept the proposed revisions. Sammy Turner **seconded**. **Motion carried.**

Tabled discussion from the April 12, 2013 meeting (SCAT testing) – Steve Warren expressed concerns over testing at the end of the training. The Course Management Guide does not state that testing must all be done at the same time. Mr. Dudley noted that the instructor notes state that it is recommended that the lesson plan be taught in ten (10) 4-hour blocks of instruction. Obviously, it seems like it is being broken down into modules. Considering that the instructor note should mirror the Course Management Guide, there doesn't appear to be anything that requires that testing be done in any particular way. There are only two instructor notes that relate to testing in the lesson plan; #3 – “This lesson requires performance testing. Performance testing is documented on the attached evaluation form. Pass/Fail criteria is listed on the form,” and #12 – “During student skills testing, instructor should make sure that the students can demonstrate all the steps in each of the techniques in a smooth, fluid, and continuous motion. Students must demonstrate to the instructor they can perform the techniques without stopping at each step.”

POPAT Update (John Combs memorandum):

- There was a minimum of 10 minutes between the two tests.
- There was not a Cooper Assessment conducted. We are not testing their fitness level with the POPAT. We are testing their physical ability to perform the essential functions of the job as measured by the obstacles on the POPAT. These are two completely different kinds of measurements.
- Concerns were expressed that the fitness level of those individuals who are being tested are average or above average, then it could skew the time. Some individuals who are less fit may not volunteer to be a part of the test. But, in the field, you will have individuals from one end of the spectrum to another. The Cooper Assessment might be a good way to judge the actual physical fitness of the ones tested to make sure they were not all at the upper end of the spectrum.
- Due to agencies' purchasing timeframe, equipment requirements for POPAT need to be made known ASAP so that the agencies can plan accordingly.

NEW BUSINESS

Electronic Review of Proposed Revisions

Committee members were in agreement of using electronic review for future proposed revisions. Members agreed with the use of CDs in distributing future BLET proposed revisions in lieu of mailing the printed copy. Any additions that should arise last minute, these can be emailed to the members for review. Steve Warren made a **motion** to accept future BLET proposed revisions by CD instead of the large printed hard-copy mailing. Jeff Robinson **seconded**. **Motion carried.**

Electronic Review of Minutes

Due to the timeframe between meetings, it is being proposed that the meeting minutes be emailed shortly following the meeting for review and approval. The minutes would then not require approval at the next meeting. Louis Ingram made a **motion** to accept Revision Committee meeting minutes by e-mail for approval. Wayne Lamm **seconded**. **Motion carried.**

Conduct Limited e-Votes

In consideration of possible revisions that need to be made outside the Committee meeting, such as in the case of Responding to Victims, members discussed the possibilities of conducting electronic voting on limited material as deemed appropriate by the Chair or the Committee. Wayne Lamm made a **motion** to accept limited e-voting. Steve Warren **seconded**. **Motion carried.**

Skyping of Members

Chief Wrenn Johnson made a **motion** that the Committee allow members to Skype (or use video conference/audio) depending on the hosting site's capabilities to officially attend meetings. Limitations may also be placed upon this motion; such as limiting to 2 per year. Sammy Turner **seconded**. **Motion carried.**

Appointment/Reappointment of Committee Members

Steve Warren and Wayne Lamm have agreed to renew their terms at the end of December 2013. Mark Lane will be stepping down December 2013 and will be replaced by Randy Shephard, Guilford County Sheriff's Office.

DIVISIONS' REPORTS

Criminal Justice Standards Division Report

No report.

Legal Counsel's Report

No report.

Sheriffs' Standards Division Report

No report.

OTHER BUSINESS

Future Meeting Dates/Locations

- January 10, 2014 – North Carolina Justice Academy, Salemburg, NC
- April 11, 2014 – Western Piedmont Community College, Morganton, NC
- July 11, 2014 – Fayetteville Police Department, Fayetteville, NC
- October 10, 2014 – Morehead City Police Department, Morehead City, NC

Wayne Lamm made a **motion** to accept the future meeting dates and locations. Louis Ingram **seconded. Motion carried.**

Adjournment

Sammy Turner made a **motion** that the meeting be adjourned. Louis Ingram **seconded. Motion carried.** Meeting adjourned at 12:20 p.m.

Respectfully submitted,

Janet Dunn
Program Assistant
North Carolina Justice Academy

Date:

October 30, 2013